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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/388,781	09/02/1999	MASAYUKI CHATANI	450127-02160	4426

20999 7590 08/25/2004
FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

TRAN, THAI Q

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/388,781

Applicant(s)

CHATANI ET AL.

Examiner

Thai Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 September 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 5-6, and 9-15 rejected under 35 U.S.C. 102(e) as being anticipated by Itami et al (US 6,278,984 B1).

Regarding claim 1, Itami et al discloses a data transmitting and receiving system (Fig. 2) comprising a data transmitting apparatus and a data receiving apparatus,

said data receiving apparatus having a reader for reading a recording medium with a recorded ID and control means (the SD circuit 9 and the WO disk drive 16 of Fig. 2, col. 10, lines 11-37);

said control means comprising means for controlling said reader to read a program and/or data from said recording medium and executing the program and/or processing the data if an ID designated by data received by said data receiving

apparatus agrees with the recorded ID of said recording medium with is read by said reader (the SD circuit 9 of Fig. 2, col. 10, lines 21-37);

wherein said received data designating the ID is received by broadcast (col. 10, lines 13-16).

Regarding claim 2, Itami et al also discloses the claimed means (col. 10, lines 52-54 or the STOP switch or POWER switch) for stopping executing said program and playing back the received data if an instruction to stop said program is detected in said program while said program is being executed.

Regarding claim 4, Itami et al discloses a data transmitting and receiving system (Figs 2 and 11) comprising a data transmitting apparatus and a plurality of data receiving apparatus,

each of said data receiving apparatus having a reader for reading a recording medium with a recorded ID and control means (the SD circuit 9 and the WO disk drive 16 of Fig. 2, col. 10, lines 11-37);

said control means comprising means for controlling said reader to read a program and/or data from said recording medium and substantially simultaneously starting to execute the program and/or process the data if an ID designated by data received by each of said data receiving apparatus agrees with the recorded ID of said recording medium which is read by said reader (the SD circuit 9 of Fig. 2, col. 10, lines 21-37);

wherein said received data designating the ID is received by broadcast (col. 10, lines 13-16).

Regarding claim 5, Itami et al discloses a data receiving apparatus having a data reception function (Fig. 2), comprising:

a reader for reading a recording medium having an ID specifying itself (the WO disk drive 16 of Fig. 2, col. 10, lines 11-37); and

control means (the SD circuit 9 of Fig. 2, col. 10, lines 21-37) for controlling said reader to read a program and/or data from said recording medium and executing the program and/or process the data if an ID designated by received data agrees with the recorded ID of said recording medium which is read by said reader;

wherein said received data designating the ID is received by broadcast (col. 10, lines 13-16).

Regarding claim 6, Itami et al discloses the claimed wherein said control means comprises:

means (col. 10, lines 52-54 or the STOP switch or POWER switch) for stopping executing said program and playing back the received data if an instruction to stop said program is detected in said program while said program is being executed.

Regarding claim 9, Itami et al also discloses the claimed a personal computer (Fig. 2, col. 7, lines 45-57).

Regarding claim 10, Itami et al discloses a data transmitting apparatus for transmitting data (Fig. 2), wherein the transmitting data contains the ID of a particular recording medium (col. 10, lines 11-37);

Wherein said transmitted data including the ID is transmitted by broadcast (col. 10, lines 13-16).

Regarding claim 11, Itami et al discloses the claimed wherein the transmitted data contains the name of a file in said particular recording medium and/or data identifying a recording area in said particular recording medium (col. 10, lines 21-37).

Regarding claim 12, Itami et al also discloses the claimed wherein said data receiving apparatus further comprises an antenna (a parabolic antenna 30 of Fig. 2, col. 8, lines 15-19); and said received data designating the ID is received by said data receiving apparatus through said antenna (col. 10, lines 11-37).

Claim 13 is rejected for the same reasons as discussed in claim 12 above.

Claim 14 is rejected for the same reasons as discussed in claim 12 above.

Claim 15 is rejected for the same reasons as discussed in claim 12 above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 3 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itami et al (US 6,278,984 B1).

Regarding claim 3, Itami et al discloses all the claimed limitations as discussed in claim 1 above except for providing wherein said control means comprises means for temporarily stopping executing said program and playing back the received data if an instruction to stop said program is detected in said program while said program is being executed, confirming whether the received data being played back contains an instruction to end the execution of said program with is being temporarily stopped or not, ending the executing of said program which is being temporarily stopped if the received data being played back contains an instruction to end the execution of said program, and resuming the execution of said program if the received data being played back does not contain an instruction to end the execution of said program.

It is noted that some software are games having pause instructions for pausing the games because of the requirement of inputs from users are old and well known in the art and; therefore, Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known games having pause function into Itami et al's system since it merely amounts to selecting different readily available software.

Claim 7 is rejected for the same reasons as discussed in claim 3 above.

Regarding claim 8, Itami et al discloses all the claimed limitations as discussed in claim 5 above except for providing a video gram apparatus.

It is noted that video game software are old and well known in the art and; therefore, Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known video game software into Itami et al's system since it merely amounts to selecting different readily available software.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

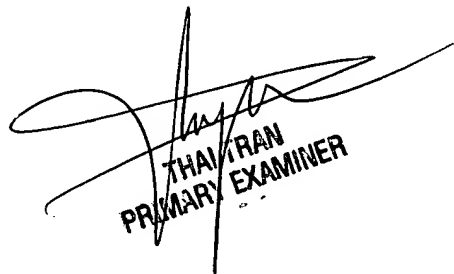
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ



THAI TRAN
PRIMARY EXAMINER